



## State of New Jersey

### DEPARTMENT OF HEALTH AND SENIOR SERVICES

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*Commissioner*

All surgical practices currently in operation are required to register with the Department of Health and Senior Services (Department) by April 16, 2012. Surgical practices not yet open that met the statutory filing deadline in N.J.S.A. 26:2H-12 must register prior to offering services.

A surgical practice is defined as:

1. No more than one operating room that is:
  - i Specially equipped to perform surgery; and
  - ii Designed and constructed to accommodate invasive diagnostic and surgical procedures;
2. One or more post-anesthesia care units or a dedicated recovery area, which includes the operating room if used for recovery, where the patient may be closely monitored and observed until discharged; and
3. Is established by a physician, physician professional association surgical practice or other professional practice form that is recognized in regulation by the Board of Medical Examiners solely for the physician's, association's or other professional practice entity's private medical practice.

In short, a surgical practice is an operating room using general anesthesia or IV or conscious sedation. A room in which procedures are done using local anesthesia is not a surgical practice pursuant to statute and regulations, and is not required to register.

Please be aware that pursuant to statute, N.J.S.A. 26:2H-12, a new surgical practice is not permitted unless building plans have been submitted prior to September 19, 2009. This is an outright ban on new surgical practices, and also does not permit existing surgical practices to make changes in their current operating room that would change the scope of services. If you are currently doing IV or conscious sedation in a surgical practice, you cannot add general anesthesia. If you are currently doing procedures under local anesthesia, unless you submitted building plans prior to the statutory deadline, you cannot become a surgical practice because of the statutory ban on new surgical practices.

Below are links to a memorandum sent to surgical practices that had contacted the Department requesting information on registering, a copy of the regulations requiring the registration of surgical practices (N.J.A.C. 8:43C), the surgical practice registration application and instructions on completing the surgical practice registration application.

Links:

1. [Memorandum to Surgical Practices and Interested Parties](#)
2. [Surgical Practice Registration Regulations \(N.J.A.C. 8:43C\)](#)
3. [Surgical Practice Registration Application \(HFEL-8\)](#)
4. [Surgical Practice Registration Application \(HFEL-8\) Instructions](#)